Secrt. II-48—34,846—28-1-22.

Revenue (1923) Department.

Miscellaneous SERIES

G.O. No. 342

DATED 19 2 1923

[Despatch Abstract.]

Assignment - Land (South Kanara) Mangalore taluk - Bajpe Village - S.No. 81/2 - Rosario Karasta - Ratified.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.	G.O	No.	Department.	Date.

Revenue **DEPARTMENT.**

CURRENT No. 350

Received ..... 19 . *Registered* 25-1-1923

Subject

Assignment-Darkhast (South Kanara)- Mangalore taluk- Bajpe village- S.No. 81/2- Rosario Karasta- Ratification.--

ENCLOSURES.
No.
Spare copies

Refce. No. B 275-23-1

Station Madras, *Dated the* 24th January 23 19

From S. Wadsworth Esq., I.C.S.,
Secretary.

~~The~~ Board of Revenue, Land Revenue and ~~Revenue~~ Settlement, ~~etc.~~ ~~Separate Revenue.~~

~~Resolution~~ Reference. M.E. Couchman Esq., I.C.S.,
Commr. of Land Revenue. -

Read the following paper:-

Letter from M.R.Ry. Rao Bahadur S.N.V. Rajachar Avl., B.A., Collector of South Kanara, Ref.C.No. V 1-307-22 dated 10th January 1923:-

Assignment- Darkhast- Mangalore taluk- Bajpe village- S.No. 81/2- Kumki- Grant under House Site rules-Recommended.-

The plot in question is S. No. 81/2 of Bajpe village measuring 8 cents. It was assigned in S.DR. 19/1330 by the Deputy Tahsildar of Mulki to one ~~Rxxx~~ Rosario Karasta under the Special House Site rules on 6th April 1921. The assignment was objected to by the Vicar of St. Joseph's Church onthe

(T)

para 9(3) ab
B&O.

ground that the plot formed kumki to S.No. 83/2 belonging to the Church. S.No.83/2 though registered at Settlement as Hosagame is really a kadim warg land being portion of muliwarg No.50 of Bajpe formed in fasli 1256 (1846-7), but as it is dry land not in need of any aid to cultivation and as the Church authorities did not prove in the original darkhast enquiry that it was kadim warg land and not Hosagame land, the Deputy Tahsildar overlooked the claim of the Church and assigned the plot as a house site to Rosario Karasta on grounds of equity. (T)

2. The appeal filed by the Church against the assignment was dismissed by the Divisional officer in his order Dis.No. 932 D/Rev./21 dated 13th December 1921. (K)

3. A revision petition having then been filed by the Church before the Collector, my predecessor reserved the case for local inspection. I inspected the land on the 21st December 1922 and found that the assignee who is a poor man had already constructed a stone building therein at a cost of Rs.150 and sunk a well at a cost of about Rs.100 and it would be a great hardship for him to be deprived now of his improvements although the Church offers to pay for them. I am therefore inclined to let the assignee have the plot in preference to the Church. The plot however has now been found to be kumki to the Church and as such falls beyond the scope of the House site rules embodied in para. 9(3) of the old B.S.O.No. 15 printed at page 62 of the Board's Standing Orders Vol. II, under which the assignment was made. The order of the Deputy Tahsildar in assigning the plot under the House Site Rules was ultra vires but on grounds of equity the assignee's case deserves consideration. The Board has held in B.P.L.R. No. 1735 Routine dated 5th June 1918 that kumki is not a right but a privilege which is liable to be over ridden on equitable considerations. In quite a similar case the Government ratified in 1918 on grounds of equity the assignment of land made under the House Site rules in kumki vide G.O.No. 3025 Revenue dated 23rd August 1918 communicated in B.P.L.R. No. 2707 Routine dated 28th August 1918 and refused to reconsider the above order with reference to the memorial of the kumkidar vide G.O.No. 2130 Revenue dated 20th September 1921 communicated in B.P.L.R. No.2298 Routine dated 3rd October 1921. (E) (7)

may be moved to ratify the assignment of the plot in question which is of a trifling extent under para 9 (1) of the R.C.O. No.15 quoted above.

5. The connected records noted in the margin are herewith submitted.

1. Records of S.D.R. 19/30.
2. Dis. No.932 D/Rev. dated 13-2-21 of the Mangalore Divisional office.
3. Current file C.No.307-22-V1.

Reference.-

Submitted to Government.

2. In the circumstances reported by the Collector, the Board recommends that Government will be pleased to ratify the assignment made by the Deputy Tahsildar.

S e c r e t a r y.

To the Secretary to Government, Revenue Deptt.

with records to be returned after perusal.

M. D. 25-1

Sectt. II-10 (a)—48,962—2-2-22. (6)

Revenue DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
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When signed ..		
When despatched ..		

READ AGAIN G.O. No....., dated.....192 .

" " " " ..... " .....192 .

READ ALSO—

C. No. 350 E From the Board L.R. & Sett. Ref No. B.275-23-1, dated 24.1. 1923.

" " ..... " " ..... " ..... " .....192 .

" " ..... " " ..... " ..... " .....192 .

ORDER.

No. 342, dated 17-2- 1923.

The Govt. ratify the assignment of S. No. 81/2 of Bajpe village, Mangalore Taluk, S. Kanara Dt., measuring 8 cents made by the Dy. Collr. of Mulki to Rosario Kanaota.

20 FEB 1923

To B.L.R. & Sett. with three files etc.

D.R.D. 12.2.23.

15.2.23

Note – Attention is invited to Sir. K. Srinivasa Ayyangar's note on p. 42 of G.O. No. 2180 d. 26.9.21. (7)

D.R.D. 12.2.23.

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